

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 871 - SB 836

March 30, 2021

SUMMARY OF ORIGINAL BILL: Exempts any formerly open pit mine or quarry from all local restrictions, rules, regulations, municipal ordinances, and county resolutions which limit the operator's ability to fill the pit and reclaim and restore the site, if such mine or quarry agrees to receive fill or borrow material from state highway construction projects. Such exemption only applies if:

- The fill work complies with the requirements of the Tennessee Water Pollution Control Act; and
- In all other ways satisfies this state's rules applicable to the fill activity.

Authorizes local governments to require surety that affected streets and roads will be restored to their original condition.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENTS (004901, 005764): Amendment 004901 deletes and rewrites all language after the enacting clause such that the only substantive changes:

- Replace "formerly operating pit mine or quarry" with "former surface mining operation" or "operation" as defined in Tenn. Code Ann. § 59-8-202; and
- Specify that such applicable restrictions, rules, regulations, ordinances, and laws, include, but are not limited to, prohibitive zoning, limits on truck traffic, weight limits or distance limitations, or other operational limitations.

Amendment 005764 deletes, replaces, and adds language to the legislation, as amended by amendment 004901, thereby establishing that such exemption does not apply within 500 feet of a river protected under the Tennessee Scenic Rivers Act of 1968.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Based on information from the TDEC, more than 85 percent of mining operations in Tennessee do not require a Tennessee Surface Mining Law permit.
- In addition, the Division of Solid Waste Management exempts the use of solely natural rock, dirt, stumps, pavement, concrete and rebar, and/or brick rubble as fill material.
- Based on information provided by the TDEC, any open pit mine or quarry that is stabilized or closed, has its National Pollutant Discharge Elimination System Permit cancelled, and the Department no longer has jurisdiction over the mine or quarry.
- This legislation is estimated to have no significant impact on the TDEC, and state or local government, in general.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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